

MCCORMICK DUNNE & FOLEY

ATTORNEYS AND COUNSELORS AT LAW

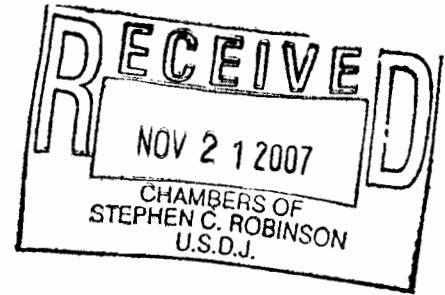
61 BROADWAY - SUITE 1030

NEW YORK, NEW YORK 10006-2730

212-363-1300

212-363-8762 (FAX)

CHRISTOPHER P. FOLEY  
cfoley@mdflawfirm.com



MEMO ENDORSED

November 20, 2007

The Honorable Stephen C. Robinson  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

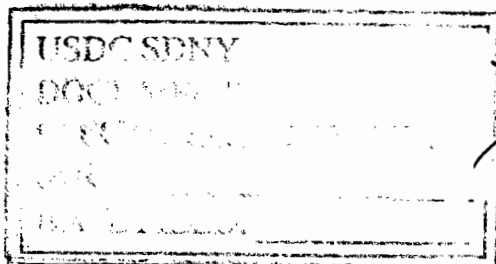
Re: Boynton v. Occupations, Inc., et al.  
Case No.: 07 CV 8521 (SCR)

Dear Judge Robinson:

We represent plaintiff Ann Boynton in the above-referenced action, which seeks damages in relation to an alleged wrongful denial of long-term disability benefits under a plan controlled by the Employee Retirement Income Security Act of 1974 ("ERISA"). We write in reference to Your Honor's instruction to submit a proposed discovery plan and scheduling order by November 26.

Like all ERISA "benefits due" cases, this case will not be tried to a jury, and none of the parties presently sees any need to join additional parties or amend the pleadings. Also, because this is an ERISA case, it is anticipated that discovery will be limited. Accordingly, in lieu of submitting a detailed plan, the parties request that a deadline of March 14, 2008 -- the date of our initial case management conference with Your Honor -- be set for all discovery.

Additionally, in an effort to streamline the case, the parties have negotiated a stipulation pursuant to which defendant Occupations, Inc. is to be dismissed without prejudice. The original stipulation, signed by counsel for all parties, is enclosed.




APPLICATION GRANTED

HON. STEPHEN C. ROBINSON

11/21/07

Respectfully submitted,

MCCORMICK DUNNE & FOLEY

By:   
Christopher P. Foley (CF 6079)

cc: Charles T. Locke, Locke & Herbert LLP  
Robert R. Perry, Jackson Lewis LLP